

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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GARDEN CITY BOXING CLUB, INC.,

Plaintiff,

07 Civ. 8077 (RPP) (DFE)

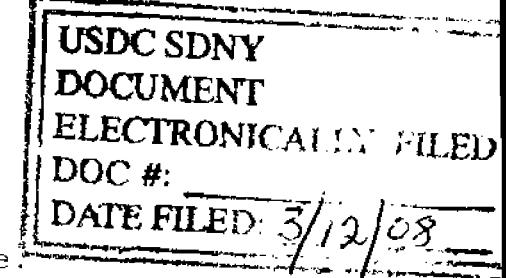
-against-

NEW MILLENIUM SEAFOOD CORP.
d/b/a NEW MILLENIUM SEAFOOD,

Defendant.

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MEMORANDUM AND ORDER

DOUGLAS F. EATON, United States Magistrate Judge.



1. On March 5, 2008, Judge Patterson issued a default judgment against defendant New Millennium Seafood Corp., and he referred the case to me to write a Report and Recommendation as to the amount of damages to be awarded to plaintiff plus reasonable attorney's fees, if any, pursuant to 47 U.S.C. § 605 and § 553.

2. I direct plaintiff to send me an inquest memorandum, accompanied by supporting affidavits and exhibits, setting forth its proof of damages (and to mail a copy to the defendant) no later than April 23, 2008. Plaintiff's papers must include an affidavit, from someone with personal knowledge, setting forth facts which establish that this district court has personal jurisdiction over the defendant and jurisdiction over the subject matter. With respect to each damage claim, plaintiff must (1) set forth the proper rule for the calculation of damages and (2) set forth facts which support the calculation of an amount of damage with a reasonable degree of certainty. See *Credit Lyonnais Securities (USA), Inc. v. Alcantara*, 183 F.3d 151 (2d Cir. 1999).

3. The defendant may object to the requested amount of damages, by sending me a memorandum, affidavits and/or exhibits (and by mailing copies to plaintiff's attorney Paul J. Hooten) on or before May 23, 2008. In these papers, the defendant must state (a) whether it requests a hearing for the purpose of cross-examining plaintiff's witnesses, and (b) whether it requests a hearing for the purpose of calling its own witnesses and, if so, it must state the name and address of each witness.

4. If a hearing is requested by any party, then such a hearing will take place at 10:00 a.m. on May 30, 2008, in Courtroom 18A at the United States Courthouse at 500 Pearl

Street, New York, New York.

5. If no party requests a hearing by May 23, 2008, then I will proceed solely on the basis of the memoranda and affidavits without oral argument. I will then write a Report and Recommendation to Judge Patterson.

Douglas F. Eaton

DOUGLAS F. EATON
United States Magistrate Judge
500 Pearl Street, Room 1360
New York, New York 10007
Telephone: (212) 805-6175
Fax: (212) 805-6181

Dated: New York, New York
March 11, 2008

Copies of this Memorandum and Order are being sent to:
Paul J. Hooten, Esq.

Paul J. Hooten & Associates
5505 Nesconset Highway, Suite 203
Mt. Sinai, NY 11766

New Millennium Seafood Corp.
d/b/a New Millennium Seafood
2108 Amsterdam Avenue
New York, NY 10032

Hon. Robert P. Patterson

by mail